

*By  
Act*

34. (New) A method for producing an in vitro differentiated cell of a mammal comprising transforming a pluripotent precursor cell of a mammal with an expression cassette of claim 1.--

REMARKS

Claims 30 and 31, being written as "use" claims, are canceled without prejudice to or disclaimer of the subject matter thereof and replaced by corresponding method claims 32 and 33 reciting active method steps. Thus, claims 1-29 and 32-33 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 1-17 and 30, drawn to an expression cassette, and a method of using such for genetic alteration of pluripotent cells of a mammal;

Group II, claims 18-29 and 31, drawn to a method of producing in vitro differentiated somatic cells of a mammal and cells produced by the method.

For the purpose of examination of the present application, Applicants elect, with traverse, Group I, claims 1-17 and 30 (now 32). Applicants traverse as follows.

" The Examiner explains that the claims are grouped according to a product (the expression cassette) and a method for using that product for genetic alteration of pluripotent cells of a mammal. Applicants submit that careful reading of the claims should result in inclusion of additional claims into Group I. In particular, claim 18 should be included in Group I as step a) thereof recites that the expression cassette is introduced into pluripotent cells of a mammal. Claim 19 represents a species of claim 18 and so should similarly be rejoined into Group I. Claims 20-23, dependent upon claims 18 or 19, should thus also be rejoined into Group I. Claim 28 is a product-by-process claim dependent upon claim 18 and so should also be rejoined into Group I.

Accordingly, it is Applicants position that the restriction requirement should be re-drawn as:

Group I, claims 1-23, 28, 29 (as dependent upon claim 28) and 32-33.

Group II, claims 24-26 and 29 (as dependent upon claims 24-26).

Examination of the claims of Group I, redrawn as above, is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell (Reg. No. 36,623) at the telephone number of the undersigned below, to conduct an interview

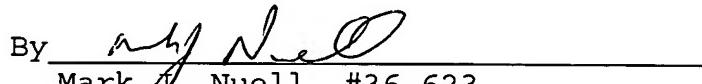
in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$55.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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VERSION SHOWING CHANGES MADE

Claims 30-31 are canceled and replaced by new claims 32 and 33.